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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 23, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAY G. KIMPEL,

No. 2:25-CV-121-MKD

Plaintiff,

v.

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE/*IN FORMA PAUPERIS*
REQUIREMENTS

DR. DEBRA LINDSAY,

Defendant.

Plaintiff, an individual currently incarcerated at Airway Heights Corrections Center, filed this *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 on April 15, 2025. ECF No. 1. He did not pay the filing fee to commence the action as required by 28 U.S.C. § 1914. He also failed to comply with 28 U.S.C. § 1915(a)(2), which requires prisoners who seek to bring a civil action without prepayment of the filing fee to submit a certified copy of their inmate account statement (or the institutional equivalent) for the six months immediately

1 preceding the filing of the complaint. Further, Plaintiff did not submit the
2 required Acknowledgment and Authorization form.

3 By letter dated April 15, 2025, the Clerk of Court directed Plaintiff to
4 complete and return the Acknowledgment and Authorization form provided and to
5 submit a certified statement of his inmate account (or institutional equivalent) for
6 the six months immediately preceding the submission of his complaint (also
7 known as a PLRA statement). ECF No. 3. The Clerk of Court instructed that
8 after Plaintiff had complied with these requirements or paid the applicable fee of
9 \$405 (\$350 filing fee, plus \$55 administrative fee), his case would be presented to
10 the Court for review. *Id.*

11 On May 15, 2025, this Court issued an Order to Comply with Filing Fee/*In*
12 *Forma Pauperis* Requirements. ECF No. 4. Plaintiff was again directed to
13 complete and return the Acknowledgment and Authorization form. *Id.* at 2-3. He
14 was also ordered to submit a certified copy of his six-month inmate account
15 statement (or institutional equivalent) for the period immediately preceding April
16 15, 2025. *Id.* at 3. In the alternative, Plaintiff was instructed to pay the full \$405
17 filing fee. *Id.* Plaintiff was cautioned that failure to comply with the Order within
18 thirty (30) days would result in the dismissal of this case. *Id.* Plaintiff did not
19 comply with these directives and has filed nothing further in this action.

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1 Accordingly, **IT IS ORDERED:**

2 1. For the reasons set forth above and, in the Court's prior Order, ECF No.
3 4, this action is **DISMISSED WITHOUT PREJUDICE** for failure to comply
4 with the filing fee and *in forma pauperis* requirements of 28 U.S.C. §§ 1914 and
5 1915.

6 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal
7 of this Order would not be taken in good faith and would lack any arguable basis
8 in law or fact.

9 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
10 **enter judgment**, provide copies to Plaintiff, and **CLOSE** the file.

11 DATED June 23, 2025.

12
13 *s/Mary K. Dimke*
14 MARY K. DIMKE
15 UNITED STATES DISTRICT JUDGE
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